

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JENNIFER LEVAN,

Plaintiff,

:

Case No. 3:12-cv-8

- vs -

:

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

COMMISSIONER OF SOCIAL
SECURITY,

:

:

Defendant.

REMAND ORDER

On Joint Motion for Remand (Doc. No. 11) and for good cause shown, the Defendant Commissioner's decision is reversed and this case is remanded to the agency for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

September 6th, 2012.



Walter Herbert Rice

United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
DAYTON DIVISION**

JENNIFER LEVAN,)	
)	
Plaintiff,)	Civil Action No. 3:12-cv-00008
)	
v.)	Judge Rice
)	Magistrate Judge Merz
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

AGREED MOTION FOR REMAND

Plaintiff complained of the Commissioner's adverse final decision regarding her disability application and sought judicial review pursuant to 42 U.S.C. § 405(g) and 1383(c)(3). The parties have conferred and agree that remand of this matter for further administrative proceedings is appropriate. On remand, the Administrative Law Judge will be instructed to: (1) provide Plaintiff with a supplemental hearing as per the request dated March 18, 2011; (2) update the treatment evidence on Plaintiff's medical condition; (3) expressly evaluate the treating, examining, and non-examining medical source opinions in the updated record, and explain the reasons for the weight he gives to this opinion evidence; (4) further consider Plaintiff's residual functional capacity on the updated record, citing specific evidence in support of the assessed limitations; (5) further consider whether Plaintiff has past relevant work she could perform with the limitations established by the evidence; and (6) as appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on the claimant's occupational base.

Accordingly, the parties hereby respectfully move the Court to enter judgment under the

fourth sentence of 42 U.S.C. § 405(g), reversing the agency's decision with remand to the Commissioner for further consideration of Plaintiff's application.

WHEREFORE, the parties request this Court to approve this motion for remand and to enter an appropriate remand order with judgment for Plaintiff, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

Respectfully submitted,

CARTER M. STEWART
UNITED STATES ATTORNEY

/s/ Charles Sell¹

Charles Sell
Shipman, Dixon & Livingston
215 W. Water Street
Troy, OH
(937) 339-1500
csell@sdl-law.com

By: /s/ Patrick Edsenga

Patrick Edsenga
Special Assistant United States Attorney
Attorney for Defendant
200 W. Adams, Suite 3000
Chicago, IL 60606
(877) 800-7578, extension 19122
Patrick.Edsenga@ssa.gov

¹Mr. Sell consented to this motion by email to Mr. Edsenga on September 6, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2012, I electronically filed the foregoing Joint Motion For Remand with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Charles Sell
Counsel for Plaintiff

s/ Patrick Edsenga
PATRICK EDSENGA
Assistant Regional Counsel
200 W. Adams Street, 30th Floor
Chicago, Illinois 60606
(877) 800-7578 ext. 19122 (phone)
patrick.edsenga@ssa.gov